

DEC 23 2005



Attorneys at Law

Suite 2800 1100 Peachtree St.  
Atlanta GA 30309-4530  
t 404 815 6500 f 404 815 6555  
www.KilpatrickStockton.com

December 23, 2005

direct dial 404 815 6102  
direct fax 404 541 3454  
EPolovnikova@KilpatrickStockton.com

## FAX

RECIPIENT/ PHONE NO.	FAX NO.	COMPANY/ CITY, STATE, COUNTRY
Centralized Fax Department Art Unit 1635 Examiner Jane Zara	571-273-8300	United States Patent & Trademark Office Alexandria, Virginia

Elena S. Polovnikova - 3392  
FROM21  
PAGES (WITH COVER)02811-0281  
REFERENCE NO42368-250224  
CLIENT/MATTER NO.

PLEASE CALL 404 815 6497 IF YOU HAVE DIFFICULTY WITH THIS TRANSMISSION.

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## COMMENTS

The facsimile confirmation of the Patent Office imprinted hereon will acknowledge receipt of:  
Application No: 09/735,363  
Filed: December 12, 2000  
Applicant: Phillips et al.  
For: THERAPEUTICALLY USEFUL SYNTHETIC OLIGONUCLEOTIDES  
Papers Submitted: PTO Transmittal form SB21; PTO form SB22 Petition for Extension of Time; PTO form SB17 Fee Transmittal; Amendment transmittal form; Amendment and Response to Non-Final Office Action; PTO-2038  
Docket No.: 02811-0181 (42368-250224)  
Date Faxed: December 23, 2005  
Agent/Sec: ESP:ckf/skr

TO BE COMPLETED BY KS OPERATIONS CENTER

TRANSMISSION RECEIPT DATE/TIME: \_\_\_\_\_

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27970

ATLANTA AUGUSTA CHARLOTTE LONDON MIAMI RALEIGH RESTON STOCKHOLM WASHINGTON WINSTON-SALEM  
9083007.1

PTO/SB/21 (09-04)

Approved for use through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/735,363	
	Filing Date	December 12, 2000	
	First Named Inventor	Phillips, et al.	
	Art Unit	1635	
	Examiner Name	Jane Zara	
Total Number of Pages in This Submission	20	Attorney Docket Number	02811-0181 (42368-250224)

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks PTO form 2038 authorizing payment of fees Amendment transmittal form		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Kilpatrick Stockton LLP		
Signature	<i>Elena S. Polovnikova</i>		
Printed name	Elena S. Polovnikova, Ph.D.		
Date	December 23, 2005	Reg. No.	52,130

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>Elena S. Polovnikova</i>		
Typed or printed name	Elena S. Polovnikova, Ph.D.	Date	December 23, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032

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Effective on 12/09/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
**For FY 2005**☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 625.00

**Complete If Known**

Application Number	09/735,363
Filing Date	December 12, 2000
First Named Inventor	Phillips, et al.
Examiner Name	Jane Zara
Art Unit	1635
Attorney Docket No.	02811-0181 (42368-250224)

**RECEIVED**  
**CENTRAL FAX CENTER****DEC 23 2005****METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 11-0855 Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
59	- 20 or HP =	x	= 425.00

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
4	- 3 or HP =	x	=

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition for 2 month EOT (\$225); 17 new claims (\$425)

**Fees Paid (\$)****SUBMITTED BY**

Signature	<i>Elena S. Polovnikova</i>	Registration No. (Attorney/Agent)	52,130	Telephone	404 815 6500
Name (Print/Type)	Elena S. Polovnikova, Ph.D.			Date	December 23, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENTS

## IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Application of:

Docket No. 02811-0181 (42368-250224)

Phillips et al.

Serial No. 09/735,363

Filed: December 12, 2000

For: THERAPEUTICALLY USEFUL SYNTHETIC OLIGONUCLEOTIDES

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DEC 23 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a paper in the above-identified application.

- ☒ Petition for Two Month Extension of Time  
☒ Amendment and Response to Non-Final Office Action.  
☒ PTO-2038.  
☒ The additional fee is calculated as shown below:


					SMALL ENTITY		OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	RATE	ADDIT. FEE
TOTAL	59	MINUS	42=	17	x25	\$425	x50	\$
INDEP.	4	MINUS	6=	0	x100	\$	x200	\$
FIRST PRESENTATION OF <input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS					+180	\$	+360	\$
TOTAL ADDITIONAL FEE						\$425	\$	

- ☒ Form PTO-2038 is attached authorizing the excess fee charge.  
☒ The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16, or credit any overpayment, to Account No. 11-0855. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being to United States Patent and Trademark Office via facsimile transmission to 571-273-8300 attention Centralized Fax Department on December 23, 2005

  
 Elena S. Polovnikova, Ph.D.

KILPATRICK STOCKTON LLP  
 1100 Peachtree Street, Suite 2800  
 Atlanta, Georgia 30309-4530  
 Telephone: 404/815-6500

By:   
 Elena S. Polovnikova, Ph.D., Agent for Applicant  
 Reg. No. 52,130

## PATENTS

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TOTAL ADDITIONAL FEE						\$425	\$	

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 Telephone: 404/815-6500

By:   
 Elena S. Polovnikova, Ph.D., Agent for Applicant  
 Reg. No. 52,130